

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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FELIX BENTLEY,

Plaintiff,

v.

GREEN TREE SERVICING LLC, ET AL.,

Defendants.

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CASE NO. 3:07-CV-051-MEF

**DEFENDANT MANDI CARTER'S**  
**MOTION TO DISMISS OR, IN THE ALTERNATIVE,**  
**FOR SUMMARY JUDGMENT**

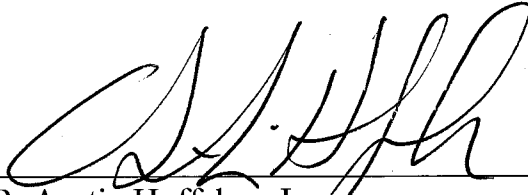
COMES NOW Defendant Mandi Carter ("Carter") and, pursuant to Rule 12(b), Fed. R. Civ. P., hereby moves the Court to issue an order dismissing the Complaint on the grounds that it fails to state a claim upon which relief can be granted. In the alternative, to the extent any facts extraneous to the Complaint are necessary for disposition of this matter, Carter requests that her motion be converted to a Rule 56 motion for summary judgment, pursuant to Rule 12(b), Fed. R. Civ. P.

In support of this motion, Carter relies upon the following:

- (1) The Complaint, with exhibits;
- (2) Green Tree Servicing LLC's Petition for Removal;

- (3) Green Tree Servicing LLC's Motion to Dismiss, or, In the Alternative, For Summary Judgment, with supporting exhibits; and
- (4) Memorandum Brief, separately filed.

WHEREFORE, Mandi Carter respectfully requests the entry of an order dismissing the Plaintiff's Complaint.

  
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R. Austin Huffaker, Jr.  
Bar Number: (ASB-3422-F55R)

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**Attorney for Defendant Mandi Carter**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the above and foregoing document upon all interested parties by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 17<sup>th</sup> day of July, 2007, as follows:

James R. Bowles  
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Tallasse, AL 36078  
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OF COUNSEL